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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,027	07/07/2003	Thomas Forest	0607 1459	6585

7590 07/05/2007
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EXAMINER

CHERY, DADY

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,027

Applicant(s)

FOREST ET AL.

Examiner

Dady Chery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 12-20 is/are rejected.
- 7) ☐ Claim(s) 3-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. A program does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

2. limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15, 17 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 15 and 17 recite a means that does not appear in combination with another recited element of means. The single means recites in the claim make it nonenabling because the specification disclosed at most only those means known to the inventor. **See MPEP 2164.08 (a).**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Temple ("Avoiding the Babbling- Idiot in Time- Triggered Communication System" June 1998).

Regarding claims 1, 14, 16 and 18, Temple discloses a *method for monitoring a communication media access schedule of a communication controller in a communication system (Fig. 1) by means of a bus guardian, the communication system comprising a communication media (Broadcast Bus) and nodes connected to the communication media, each node having a communication controller (Processing system) and a bus guardian assigned to the communication controller, wherein messages are transmitted among the nodes across the communication media based on*

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a cyclic time triggered communication media access scheme (Paragraph 2.2), The method discloses by Temple monitors the communication media by means of bus guardian and communication controller based on cyclic time triggered communication, the method comprising the steps of.

a) providing the bus guardian with a priori knowledge about possible deviations from the communication media access schedule during startup of the communication (Paragraph 2.2, lines 18 –24);

b) using said a priori knowledge of the bus guardian during startup of the communication to distinguish between an allowed deviation and a forbidden deviation caused by a failure of the communication controller (Paragraph 2.2, lines 18 –24 and Paragraph 3.1, lines 1- 12). Where the bus guardian does not execute any part of the communication protocol due to a system failure.

The bus driver is considered as the means for monitoring the communication media and the bus guardian is considered as the means for utilizing and making use of the priori knowledge of the deviation.

Regarding claims 2 and 19, Temple discloses *a method wherein allowed deviations from the communication media access schedule during startup of the communication are represented by reset information (SR) and by a chronological occurrence of the reset information (SR), wherein the bus guardian monitors the reset information (SR) and the chronological occurrence of the reset information (SR) during startup of the communication (Paragraph 3.2, lines 39 –52). A startup test is required to*

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assure correct functionality and reset signal is applied to each node in the event of an error are considered as the same function as describe by the instant application. The chronological occurrence of the reset signal during start up is inherent to the system.

3. The method of claim 2, wherein during startup of the communication, the communication controller of one of the nodes transmits a first trigger signal (ARM) to the bus guardian assigned to that communication controller, the bus guardian defines at least one expectation window according to said a priori information, the bus guardian monitors an occurrence of further trigger signals within the at least one expectation window, and the bus guardian distinguishes between an allowed deviation and a forbidden deviation in dependence on an occurrence of further trigger signals within the at least one expectation window and in dependence on said a priori information.

Regarding claim 12-13, Temple discloses computer readable medium including RAM and ROM for storing the computer program to execute the method of claim 1 (Fig. 1). The nodes disclosed by temple are computer and every computer has memory (RAM and ROM).

Regarding claims 15,17 and 20, Temple discloses *the bus guardian comprises means for executing the method of claim 2* (Fig. 3).

Allowable Subject Matter

4. Claims 3-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fellman et al. (US Patent 6,246,702) discloses Methods and apparatus for providing quality of service guarantees in computers networks.

Woods et al. (US Patent 6,748,451) discloses a distributed computing environment.

Nobutoki et al. (US Patent 5,289,466) discloses a Multiplex transmission method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dady Chery whose telephone number is 571-270-1207.

The examiner can normally be reached on Monday - Thursday 8 am - 4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dady Chery 06/28/2007


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER